

REMARKS

Claims 10, 16, 18 and 30-35 are pending.

Interview

Applicants note with appreciation the courtesies extended by Mr. Richter (Examiner Pryor's supervisor) during the telephonic discussion with Applicants' representative, Garth M. Dahlen, Ph.D., Esq. (#43,575) on July 13, 2010.

Mr. Richter was of the position that the references cited in the outstanding Office Action do not fairly suggest the inventive method or the unexpected effects derived therefrom.

Issues Under 35 U.S.C. 103

Claims 10, 16, 18, 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biro (GB 2228941; 19/12/90) and Sato et al. (JP 08157819; 6/18/96). Applicants respectfully traverse the rejection.

As noted by Mr. Richter in the July 13, 2010 Interview, the cited references fail to teach or fairly suggest the inventive method of activating a plant or the unexpected effects derived therefrom.

The Examiner admits that the cited references fail to teach that the compound of formula (II) is in a concentration of 50-500pm. Also, the Examiner admits that the cited references fail to teach or fairly suggest the use of a surfactant. In view of the fact that the artisan would not recognize these specific features as being obvious and the fact that the effects derived therefrom are unexpected, a *prima facie* case of obviousness cannot be said to exist.

As such, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq. Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 14, 2010

Respectfully submitted,

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By 

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